

February 13, 2019
Via ECFS Filing

Ms. Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

RE: Orange County REMC
EB Docket No. 06-36; CY2018

Dear Ms. Dortch:

Attached for filing is the initial CPNI Compliance Certification and Statement Regarding CPNI Operating Procedures and Compliance as required by 47 C.F.R. Section 64-2009 (e) submitted on behalf of Orange County REMC.

Any questions you may have regarding this filing should be directed to my attention at (616) 293-5880 or via email to terie@pulsebroadband.net. Thank you for your assistance in this matter.

Sincerely,

/s/Terie Hannay

Terie Hannay
Consultant to Orange County REMC
Cc: Matthew Deaton, Orange County REMC

Enclosures

ORANGE COUNTY REMC
CPNI OPERATING PROCEDURES

INTRODUCTION

Federal law and FCC regulations require that telecommunications carriers limit use, disclosure, and access to Customer Proprietary Network Information ("CPNI"). The FCC recently revised the definition of "telecommunications carrier" to include interconnected VoIP providers for the purposes of the CPNI rules.

There are two main concerns behind the CPNI law and regulations:

- **To prevent the disclosure of CPNI to "pretexters."** To thwart pretexters, FCC regulations specify detailed customer authentication procedures that a carrier must follow before disclosing CPNI to a person claiming to be the customer.
- **To prevent the use of CPNI for unauthorized marketing purposes.** To this end, federal law and regulations prohibit use, disclosure, and access to CPNI without customer consent for certain marketing purposes.

Compliance with these rules is critical: The FCC has stated that "there may be no more important obligation on a carrier's part than protection of its subscribers' proprietary information," and requires carriers to establish operating procedures adequate to ensure compliance with the CPNI regulations. The FCC has extracted six-figure payments from carriers for their failure to comply with the regulations, including for mere recordkeeping violations such as the failure to execute an annual compliance certificate.

We have prepared a checklist of CPNI Operating Procedures to assist Orange County REMC in dealing with CPNI under federal law and the FCC's regulations.

NOTE: BECAUSE ORANGE COUNTY REMC DOES NOT CURRENTLY SELL OR USE CPNI FOR MARKETING, THESE CPNI OPERATING PROCEDURES DO NOT INCLUDE PROVISIONS ON OBTAINING CUSTOMER CONSENT FOR THOSE PURPOSES. BEFORE USING, DISCLOSING, OR ALLOWING ACCESS TO CPNI FOR ANY PURPOSE THAT WOULD REQUIRE CUSTOMER CONSENT,¹ ORANGE COUNTY REMC WILL BE REQUIRED TO IMPLEMENT ADDITIONAL PROCEDURES.

¹ See page 5 for an explanation of when customer consent is necessary.

ORANGE COUNTY REMC CPNI OPERATING PROCEDURES

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I. POLICY

It is the policy of Orange County REMC to comply with the laws and regulations applicable to CPNI, and to ensure that CPNI be kept confidential, except for any use, disclosure, and access to CPNI as is permitted by 47 USC § 222 and the FCC's CPNI rules (47 CFR §§ 64.2001 – 64.2011). Accordingly, Orange County REMC has instituted these CPNI Operating Procedures.

The CPNI Compliance Supervisor identified in Section III.A below shall be responsible for the implementation of these CPNI Operating Procedures.

II. DEFINITIONS

Below are the definitions applicable to Orange County REMC CPNI Operating Procedures. Note that when a defined term appears in these Operating Procedures, it is generally highlighted in bold type for ease of reference.

Account information. Information that is specifically connected to the customer's service relationship with the carrier, including any component of an account number, the telephone number associated with the account, or the amount of a bill.

Address of record. A postal or electronic address that the carrier has associated with the customer's account for at least 30 days.

Breach. When a person, without authorization or exceeding authorization, has intentionally gained access to, used, or disclosed CPNI.

Call detail information. Any information that pertains to the transmission of specific telephone calls, including:

- For outbound calls, the number called, and the time, location, or duration of any call.
- For inbound calls, the number from which the call was placed, and the time, location, or duration of any call.

Communications-related services. Telecommunications services, information services typically provided by telecommunications carriers (such as Internet access or voice mail services), and services related to the provision or maintenance of customer premises equipment. This definition does not include cable television services.

CPNI. In short, CPNI is information on the types of service to which the customer subscribes, and the customer's call detail information.² The legal definition is:

“(A) information that relates to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service

² Note that aggregate customer information (information from which individually identifiable information has been removed) and subscriber list information (listed name, address and telephone number information) are not CPNI, and are not subject to the FCC's CPNI regulations.

subscribed to by any customer of a telecommunications carrier, and that is made available to the carrier by the customer solely by virtue of the carrier-customer relationship; and

- (B) information contained in the bills pertaining to telephone exchange service or telephone toll service received by a customer of a carrier; except that such term does not include subscriber list information."

Customer. A person or entity to which the telecommunications carrier is currently providing service.

Opt-in approval. Affirmative, express consent from a customer allowing CPNI usage, disclosure, or access after the customer is provided with notification of the carrier's request for the use, disclosure, or access in accordance with the FCC's rules.

Opt-out approval. Implied consent to the use, disclosure of, or access to CPNI after the customer fails to object following notification of the carrier's request for the use, disclosure of, or access to CPNI in accordance with the FCC's rules.

Readily available biographical information. Information drawn from the customer's life history, including social security number (or the last four digits of the SSN), mother's maiden name, home address, or date of birth.

Subscriber list information. Subscriber names, addresses, telephone numbers, and primary advertising classifications that the carrier has published or has accepted for publication in a directory.

Telephone number of record. The telephone number associated with the underlying service, but not the telephone number supplied as a customer's contact information.

Valid photo ID. An unexpired, government-issued means of personal identification with a photograph, such as a driver's license, passport, or comparable ID.

III. CHECKLIST OF GENERAL OPERATING PROCEDURES

A. CPNI Compliance Supervisor

- [] Orange County REMC shall have at all times a CPNI Compliance Supervisor to supervise the implementation of Orange County REMC CPNI Operating Procedures. The current CPNI Compliance Supervisor is:

Matthew Deaton
812-865-2229
mdeaton@myremc.coop

B. Safeguarding CPNI from unauthorized disclosure

- [] Orange County REMC shall take reasonable measures to discover and protect against attempts to gain unauthorized access to CPNI.

- [] CSRs shall properly authenticate a customer's identity using the procedures below before disclosing CPNI during customer-initiated telephone calls, online account access, or an in-store visit.

1. Customer-initiated telephone calls – identity authentication procedures

Customer wants call detail information	Customer wants non-call detail information (example: minutes of use)
<ul style="list-style-type: none">• Customer must provide password not prompted by carrier asking for readily-available biographical information or account information; or• CSR may send requested information to address of record; or• CSR may call customer at telephone number of record to discuss information; or• If customer can provide call detail information without CSR assistance, CSR may discuss that specific call detail information.	<ul style="list-style-type: none">• CSR must authenticate customer, and may use readily available biographical information or account information.

2. Online Access – identity authentication procedures

- [] Orange County REMC shall authenticate the identity of a customer without the use of **readily available biographical information** or **account information** before allowing online access to CPNI.
- [] Orange County REMC shall request that the customer establish a password at the time the customer establishes his or her account.
- [] Orange County REMC shall request that the customer establish a “shared secret” at the time the customer establishes his or her account.³
- [] Once a customer is authenticated, Orange County REMC shall allow the customer online access to CPNI only through a password that is not prompted by asking for **readily available biographical information** or **account information**.

3. In-person Access to CPNI – identity authentication procedures.

- [] Personnel may disclose CPNI to a customer at a retail location only if the customer presents a valid photo ID.

³ In this method, the carrier asks the customer to respond to a question the answer to which is not widely known. For example: “What was the name of your first pet?” or “In which city was your mother born?”

4. Business customers.

Orange County REMC may provide different authentication procedures for business customers if:

- ☐ Orange County REMC provides a dedicated account representative for the customer; and
- ☐ The contract with the customer specifically addresses Orange County REMC protection of CPNI.

5. Lost or forgotten passwords

- ☐ For a customer who has lost or forgotten his or her password, Orange County REMC shall authenticate the customer's identity before providing the password without using **readily available biographical information** or **account information**. Instead, Orange County REMC shall use at least one of the following methods to authenticate the customer:
 - ☐ "Shared secret" authentication.
 - ☐ Call the customer at the **telephone number of record**.
 - ☐ Forward a PIN to the customer via voicemail or text message to the **telephone number of record**, or by mailing it to the **address of record**.
 - ☐ Review **valid photo ID** presented at Orange County REMC retail locations.

C. Use of CPNI by Orange County REMC: When is customer approval needed?

There are a number of reasons that Orange County REMC would use a customer's CPNI: (i) to provide the customer's VoIP services, (ii) to bill and collect for the VoIP services, and (iii) to target-market additional services. The FCC's regulations allow Orange County REMC to use CPNI without customer approval for some of these activities. For others, the FCC requires either "**opt-out approval**" or "**opt-in approval**." The chart below provides a quick reference for when customer approval is and is not required.

Because Orange County REMC has not instituted procedures to obtain opt-out or opt-in approval for use of CPNI, Orange County REMC shall contact counsel before conducting any activities that would require customer approval.

<u>No</u> customer approval required	Opt-out approval required	Opt-in approval required
Initiating, rendering, billing and collecting for the customer's Orange County REMC voice services.	Marketing communications-related services , such as Internet access services.	<u>All other uses of CPNI</u> , including marketing Orange County REMC data services.
Marketing service offerings among the categories of service (the FCC lists "local, interexchange and CMRS" as examples of categories of service) to which the customer already subscribes.	Disclosure of and access to CPNI by agents and any affiliates that provide communications-related services so that they can market those services.	
If the customer subscribes to more than one category of Orange County REMC service (i.e., local and interexchange), Orange County REMC may share CPNI with an affiliated entity if the affiliated entity provides a service offering to the customer.		
Providing inside wiring installation, maintenance, and repair services.		
Marketing adjunct-to-basic services such as speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call tracking, call waiting, caller ID, call forwarding, etc.		
Protecting Orange County REMC rights or property, or protecting users of Orange County REMC voice services and other carriers from fraudulent, abusive, or unlawful use of or subscription to, the services.		

D. Uses of CPNI that do not require customer approval.

Under federal law and the FCC's CPNI regulations, there are certain purposes for which a carrier does not need customer approval to use CPNI. The rationale for these exclusions from the general rule is that these purposes are within the established carrier-customer relationship, and the customer has therefore given implied consent for the use or disclosure of CPNI for these purposes. Orange County REMC can use CPNI without customer approval for all of the following purposes:

- Initiating, rendering, billing, and collecting for Orange County REMC voice services.
- Marketing Orange County REMC service offerings among the categories of service to which the customer already subscribes.
- Providing inside wiring installation, maintenance, and repair services.
- Marketing adjunct-to-basic services such as speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller ID, and call forwarding.
- Protecting Orange County REMC rights or property, or protecting users of the Orange County REMC voice services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to, the services.

All other uses of CPNI require notice and **opt-out approval** or **opt-in approval**.

E. Training and disciplinary procedures

Orange County REMC must provide CPNI training to its personnel to ensure compliance with the FCC's CPNI regulations:

- [] Orange County REMC shall train its personnel as to when they are and are not authorized to use CPNI.
- [] Orange County REMC shall implement an express disciplinary process for misuse of CPNI (a model disciplinary policy is attached as Appendix 1).
- **Filing, notice, and recordkeeping requirements**
 - 1. **Filing requirements**
 - [] The CPNI Compliance Supervisor shall have an officer sign and shall file with the FCC a compliance certificate each March 1st in EB Docket No. 06-36.

- [] The certificate shall contain a statement that the officer has personal knowledge that Orange County REMC has established operating procedures that are adequate to ensure compliance with the CPNI rules.
- [] The CPNI Compliance Supervisor shall include with the certificate a statement explaining how Orange County REMC operating procedures ensure that Orange County REMC is in compliance with the CPNI rules.
- [] The CPNI Compliance Supervisor shall include with the certificate an explanation of any action taken against data brokers.
- [] The CPNI Compliance Supervisor shall include with the certificate a summary of all customer complaints received in the past year based on unauthorized release of CPNI.

A model compliance certificate and the required attachments are attached as Appendix 2.

2. Notice requirements

Customer notifications

- [] Except upon initiation of service, Orange County REMC shall immediately notify a customer whenever the following are created or changed:
 - [] A password
 - [] Customer response to a back-up means of authentication for lost or forgotten passwords
 - [] Online account
 - [] Address of record
- [] The notification shall be made through a carrier-originated voicemail or text message to the **telephone number of record**, or by mail to the **address of record**. The notification shall not be sent to the new **account information**.
- [] The notification shall not reveal the changed information.
- [] Orange County REMC shall provide a CPNI notification at the initiation of service and on its website.

Notifications to federal agencies

- [] The CPNI Compliance Supervisor shall provide written notice to the FCC within 5 business days of any instance where the opt-out mechanisms do not work properly if the problem is more than an anomaly. The notice shall be in the form of a letter and shall include:

- [] Orange County REMC name and d/b/a;
 - [] A description of the opt-out mechanism used;
 - [] A description of the problem;
 - [] The proposed remedy and when it will be implemented;
 - [] Whether the appropriate state PSC has been notified and whether it has taken any action;
 - [] A copy of the notice provided to customers; and
 - [] Contact information for the CPNI Compliance Supervisor.
- [] In the event of a **breach** of a customer's CPNI, the CPNI Compliance Supervisor shall provide notice to the Secret Service and FBI as detailed in Section IV below.
- 3. Recordkeeping requirements**
- [] The CPNI Compliance Supervisor shall maintain the following records related to marketing campaigns for at least one year.
- [] A record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record shall include:
 - [] A description of each campaign;
 - [] The specific CPNI used in each campaign; and
 - [] The products or services offered as part of the campaign.
 - [] Records of the CPNI Compliance Supervisor's approval of any proposed outbound marketing campaigns.
 - [] Records of customer notifications and customer approvals (whether oral, written, or electronic).
- [] Orange County REMC shall maintain for two years a record of any (i) **breaches** discovered, (ii) notifications made to the Secret Service and FBI pursuant to Section IV of these CPNI Operating Procedures, and (iii) notifications made to customers. The record may be electronic and must include, if available:
- [] The dates of discovery and notification;
 - [] A detailed description of the CPNI that was the subject of the **breach**; and
 - [] The circumstances of the **breach**.

IV. SECURITY BREACHES

The FCC's regulations contain detailed procedures that Orange County REMC must follow in the event of a **breach** of a customer's CPNI:

- [] Orange County REMC shall notify the Secret Service and FBI of a **breach** of its customers' CPNI as provided below.
- [] Orange County REMC shall not notify its customers of a **breach** or disclose the **breach** publicly, whether voluntarily, under state or local law, or under the FCC's regulations, until it has completed the process of notifying the Secret Service and FBI as provided below.
 - [] As soon as practicable, and in all cases within 7 business days after discovering the **breach**, Orange County REMC shall electronically notify the Secret Service and the FBI through a central reporting facility at <http://www.fcc.gov/eb/cpni>.
 - [] Orange County REMC shall wait 7 full business days after it notifies the Secret Service and FBI of a **breach** before notifying customers or disclosing the **breach** to the public. After that time, Orange County REMC shall notify its customers of a **breach** of their CPNI (and may disclose the **breach** to the public) unless:
 - [] The relevant agency directs Orange County REMC not to disclose or notify its customers of the breach. In that case, Orange County REMC shall not do so until it is notified in writing by the agency that it may notify its customers or disclose the **breach** publicly.
 - [] If Orange County REMC believes there is an extraordinarily urgent need to notify any class of customers sooner to avoid immediate and irreparable harm, Orange County REMC shall so indicate in its notification to the Secret Service and FBI, and may notify its customers only after consultation with the relevant agency. Orange County REMC shall cooperate with the relevant agency's request to minimize any adverse effects of customer notification.

APPENDIX 1

DISCIPLINARY POLICY

Orange County REMC takes seriously its obligations to protect confidential customer information, including customer proprietary network information ("CPNI"). A violation of Orange County REMC CPNI Operating Procedures will result in appropriate disciplinary action, and may involve discipline up to and including immediate dismissal.

APPENDIX 2

OFFICER'S CPNI COMPLIANCE CERTIFICATE

Annual 47 C.F.R. § 64.2009(e) CPNI Certification

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2019 covering the prior calendar year 2018

Name of company(s) covered by this certification: Orange County REMC

Date Filed: February 19, 2019

Form 499 Filer ID: 832822

Name of signatory: Matthew Deaton

Title of signatory: CEO

I, **Matthew Deaton**, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. § 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company is in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

The company has not taken any actions (i.e., proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission) against data brokers in the past year. .

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI.

The company represents and warrants that the above certification is consistent with 47 C.F.R. § 1.17 which requires truthful and accurate statements to the Commission. The company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may be subject it to enforcement action. Note, the company recognizes "pretexting" as "the process in which personal information is obtained by fraudulent means including identity theft, selling personal data for profit, or using some other method for snooping for information whose release was not authorized by the owner of the information. See attached accompanying statement for details on how the applicant guards CPNI against pretexting.

Signed  _____

ATTACHMENT TO OFFICER'S CPNI COMPLIANCE CERTIFICATE

Statement Regarding CPNI Operating Procedures

Orange County REMC written CPNI Operating Procedures ensure that Orange County REMC will be in compliance with 47 U.S.C. § 222 and the rules contained in the Title 47, Chapter 1, Subchapter B, Part 64, Subpart U of the Code of Federal Regulations. Included among the provisions of Orange County REMC CPNI Operating Procedures are:

- A requirement that Orange County REMC have at all times a CPNI Compliance Supervisor to supervise the implementation of its CPNI Operating Procedures.
- Detailed procedures for safeguarding CPNI, including procedures for customer authentication and password protection of CPNI.
- Detailed procedures for determining what type of customer approval is necessary for use, disclosure of, and access to CPNI.
- A requirement that the billing system records for customers' accounts allow the status of the customer's CPNI approval to be easily ascertained.
- A requirement that personnel be trained as to when they are and are not authorized to use CPNI.
- A written disciplinary process for misuse of CPNI.
- Detailed filing, notice, and recordkeeping requirements.
- Detailed procedures to be followed in the event of a breach of CPNI.

Orange County REMC does not use, disclose, or allow access to CPNI for any purpose that would require customer approval under 47 U.S.C. § 222 or the rules contained in the Title 47, Chapter 1, Subchapter B, Part 64, Subpart U of the Code of Federal Regulations.